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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,622	08/31/2001	Takeshi Saito	213505US2RD	8762
22850	7590	06/05/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				WIN, AUNG T
ART UNIT		PAPER NUMBER		
2617				
			NOTIFICATION DATE	DELIVERY MODE
			06/05/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/942,622	SAITO, TAKESHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	AUNG T. WIN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 February 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 and 16 is/are pending in the application.
  - 4a) Of the above claim(s) 5-15 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-4 &16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 & 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites limitations short-distance communication and long-distance communication. It is unclear how short the short distance and how long the long distance is, which renders the claims 1-4 & 16 indefinite. Appropriate action required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 4 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Naidoo (US006629136B1) in view of Anton, Jr. et al (US007185360B1), further in view of Lemilainen et al (US006766160B1).

2.1 Regarding Claims 1, 4 & 16, Naidoo discloses a portable terminal [400: Figure 4] [Column 11, Line 12-23] in an information distribution system using a local server [Web Server 120: See Figure 2] accessible through a wireless network 110 [Column 6, Line 55-Column 7, Line 26] for accessing local information [local information: Column 8, Line 1-25; Column 8, Line 64- Column 9, Line 30; Column 10, Line 64-Column 11, Line 10] provided by the local server 120.

Naidoo discloses that the user is authenticated by user entered name information and user entered password in order to access request for local information [Column 8, Line 1-25]. Therefore, it would have been obvious to one of ordinary skill in the art that the terminal is integrated with radio network interface and local server access request unit to send an access request for accessing geographic location based information [local information: Column 8, Line 1-25; Column 8, Line 64- Column 9, Line 30; Column 10, Line 64-Column 11, Line 10].

Naidoo does not explicitly disclose the local server access request unit configured to send a terminal ID for identifying the portable terminal via short range communication. However, Naidoo clearly stated that disclosed wireless network can be any wireless network. [Column 7, Line 10-Column 25]

Anton teaches that mobile device is configured to send authentication data comprising user ID, password and device ID to local server [i.e., local server is server 125, 137, 139, 135 integrated in one machine: Column 8, Line 27 - Column 10, Line 45] for short range communication [accessing local server via small-radius wireless network: Summary] [Also see Column 2, Line 11-Column 3, Line 34].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify local information access request method as taught by Anton to send terminal ID for accessing local information through a local radio network for a short range communications. One of ordinary skill in the art at the time of invention of made to do this to for higher data rates and for utilizing unlicensed frequency bands for cost efficiency.

Modified terminal would teach a portable terminal with local radio network interface and local server access request unit as claimed to request local information through local server for a short range communication. Modified method does not explicitly teach that the portable terminal is integrated with two network interfaces as claimed for accessing and registration.

However, Naidoo also discloses the user is given the option to register over the phone for access local information via web site 21 i.e., via local web server 120 [Column 8, Line 51-60; Column 11, Line 30-37] [see figures 1-4]. Therefore, it would have been obvious to one of ordinary skill in the art that network operated by modified device would comprise with the claimed subscription server i.e., telephone subscription server and the device as modified is configured to receive membership subscription procedure

through local radio network when the access request is rejected by the local server as claimed. It should be noted that providing registration guidance for information access due to rejected access request is well known to one of ordinary skill in the art at the time of invention of made.

The local information request method executed by modified device is also silent on whether charging the mobile users communications fee for accessing local information or not. However, it should be noted that charging mobile users connected to local network is merely a matter of provider choice and does not constitute a patentably distinct limitation from the modified network and method.

The terminal as modified above does not explicitly teach that the terminal is integrated with both of a local radio network interface configured to access the local server through the local radio network and a public network interface configured to access the subscription server through a public network. Lemilainen teaches the mobile terminal with a local radio network interface to access to Local area network and cellular interface to access to public telephone network via cellular network [Figure 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the terminal with two interfaces as taught by Lemilainen to carry out the registration for account through the public telephone network via cellular network using the same terminal to further modify as claimed. One of ordinary skill in the art at the time of invention of made would have been motivated to do this to facilitate communications with multiple communications network for user conveniences by providing dual mode wireless terminal. It would have been obvious to

one of ordinary skill in the art that registration over cellular network would apply communication fee to mobile users as claimed.

2.2 Claim 2 is rejected for the same reason as stated above in Claim 1 rejection.

Naidoo teaches registration over the phone, online, or mail for accessing local information web page. Therefore, it is obvious to one of ordinary skill in the art that domain name of the local server (i.e., local server ID) must be provided in order to identify the local server providing local information during local information access registration.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naidoo (US006629136B1) Naidoo (US006629136B1) in view of Anton, Jr. et al (US007185360B1), further in view of Lemilainen et al (US006766160B1) and Coppinger et al. (US20010046862A1).

3.1 Regarding Claim 3, Modified device discloses that a password is provided to user to access to local information provided by the local server [Naidoo: Column 8, Line 51-59] [Anton: Column 9, Line 19-Column 10, Line 45]. Modified device, method and system does not explicitly teach receiving password with a limited valid period from the subscription server and further storing the received password.

Coppinger discloses the account registration of a wireless device for new service in which, the user is provided with system assigned password by the server

(subscription sever) [Paragraph 0059, 0060 & 0066] in which password is used for limited access to the registered service [See “ ... the new service request which is available for use beginning at a specified time or event; and to be specified to ceased being available for use at a specified time; Paragraph 0079] [Figure 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the mobile station and registration method as taught by Coppinger to access local server with stored limited access password as claimed. One of ordinary skill in the art at the time of invention of made to do this to simplify the registering process with storing password feature.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AUNG T. WIN whose telephone number is (571)272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung T Win/

Examiner, Art Unit 2617

/Duc Nguyen/  
Supervisory Patent Examiner, Art Unit 2617